

HOUSE JOURNAL

SEVENTY-EIGHTH LEGISLATURE, FIRST CALLED SESSION

PROCEEDINGS

SIXTH DAY — TUESDAY, JULY 15, 2003

The house met at 2 p.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 30).

Present — Mr. Speaker; Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Escobar; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Absent, Excused — Solis.

The invocation was offered by Reverend Andy Smith, pastor, Dripping Springs United Methodist Church, Dripping Springs, as follows:

O God of wisdom and peace, thank you for another day of life to serve you and those whom we represent. We ask for you to be present among us today and for you to bless what we do in this place.

Lord, as we gather here in the state capitol, we are aware that many of our fellow Texans are in the path of Hurricane Claudette, and we pray that you will protect them from devastation and loss of life. Show us all how we may reach out to our neighbors in need.

God, I pray your special blessing upon the public servants gathered here. Give them ears to listen, mouths to speak the truth in love, hearts and minds to make kind and wise decisions, and hands and feet to serve you by serving your people in Texas.

Make me a servant, humble and meek,
Lord, let me lift up those who are weak.
And may the prayer of my heart always be:
Make me a servant, make me a servant,
Make me a servant today. Amen.

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for today because of illness:

Solis on motion of Uresti.

The following member was granted leave of absence for the remainder of today because of important business in the district:

Bailey on motion of Garza.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

(King in the chair)

HR 60 - ADOPTED (by Paxton)

Representative Paxton moved to suspend all necessary rules to take up and consider at this time **HR 60**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 60, Honoring Daniel Friend of Frisco for earning the rank of Eagle Scout.

HR 60 was adopted without objection.

HR 61 - ADOPTED (by Paxton)

Representative Paxton moved to suspend all necessary rules to take up and consider at this time **HR 61**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 61, Honoring Brian Taylor of McKinney for earning the rank of Eagle Scout.

HR 61 was adopted without objection.

HR 58 - ADOPTED (by Paxton)

Representative Paxton moved to suspend all necessary rules to take up and consider at this time **HR 58**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 58, Commemorating the opening of Celebration Park in Allen.

HR 58 was adopted without objection.

CAPITOL PHYSICIAN

The chair recognized Representative J. Keffer who presented Dr. Hugh Wilson of Eastland as the "Doctor for the Day."

The house welcomed Dr. Wilson and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

HR 68 - ADOPTED

(by Raymond)

Representative Raymond moved to suspend all necessary rules to take up and consider at this time **HR 68**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 68, Recognizing the Texas Mexican Railway as the oldest Texas-based railroad operating in the state.

HR 68 was adopted without objection.

HR 71 - ADOPTED

(by Casteel and Corte)

Representative Casteel moved to suspend all necessary rules to take up and consider at this time **HR 71**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 71, Honoring Jim and Mary Hargrave of Bulverde on their 50th anniversary.

HR 71 was adopted without objection.

HR 69 - ADOPTED

(by Kolkhorst)

Representative Kolkhorst moved to suspend all necessary rules to take up and consider at this time **HR 69**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 69, In memory of Walter C. Schwartz of Brenham.

(Speaker in the chair)

HR 69 was read and was unanimously adopted by a rising vote.

On motion of Representative Geren, the names of all the members of the house were added to **HR 69** as signers thereof.

INTRODUCTION OF GUEST

The speaker recognized Representative Kolkhorst who introduced Ann Fuelberg, the daughter of Walter C. Schwartz.

HCR 4 - ADOPTED (by Pitts)

Representative Pitts moved to suspend all necessary rules to take up and consider at this time **HCR 4**.

The motion prevailed without objection.

The following resolution was laid before the house:

HCR 4, Recognizing October 24, 2003, as Presbyterian Children's Homes and Services Day in Texas.

HCR 4 was adopted without objection.

On motion of Representative Goolsby, the names of all the members of the house were added to **HCR 4** as signers thereof.

(Allen in the chair)

HR 72 - ADOPTED (by Truitt)

Representative Truitt moved to suspend all necessary rules to take up and consider at this time **HR 72**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 72, In memory of Lillie Foust of Grapevine.

HR 72 was unanimously adopted by a rising vote.

HR 62 - ADOPTED (by Hughes)

Representative Hughes moved to suspend all necessary rules to take up and consider at this time **HR 62**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 62, Honoring University Kiddie Kollege in Marshall on the 25th anniversary of its founding.

HR 62 was adopted without objection.

**HR 5 - ADOPTED
(by Craddick)**

Representative Marchant moved to suspend all necessary rules to take up and consider at this time **HR 5**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 5, Honoring the speaker's special services staff.

HR 5 was read and was adopted without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Rules and Resolutions, upon adjournment today, Desk 133, for a formal meeting, to consider the calendar.

Transportation, upon adjournment today, Desk 46, for a formal meeting, to consider **HB 8**.

Public School Finance, Select, upon adjournment today, appropriations committee room, for a public hearing.

Agriculture and Livestock, upon adjournment today, E2.016, for a public hearing, to consider posted bills.

Environmental Regulation, upon adjournment today, Desk 28, for a formal meeting, to consider **HB 110** and **HB 112**.

**PROVIDING FOR A CONGRATULATORY
AND MEMORIAL CALENDAR**

Representative Edwards moved to set a congratulatory and memorial calendar for 12 p.m. Friday, July 18.

The motion prevailed without objection.

PROVIDING FOR ADJOURNMENT

Representative R. Cook moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 12 p.m. Friday, July 18.

The motion prevailed without objection.

**BILLS AND JOINT RESOLUTIONS ON FIRST READING
AND REFERRAL TO COMMITTEES
RESOLUTIONS REFERRED TO COMMITTEES**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

ADJOURNMENT

In accordance with a previous motion, the house, at 2:58 p.m., adjourned until 12 p.m. Friday, July 18.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

HB 113 (By Chisum), Relating to the validation of certain Texas Commission on Environmental Quality rules regarding general permits related to the protection of water quality.

To Natural Resources.

HB 114 (By Gutierrez), Relating to appropriating certain surcharges collected by the Department of Public Safety under the driver responsibility program and fees collected by the Texas Department of Transportation under the motor vehicle financial responsibility verification program, as those programs are created by **HB 3588**, Acts of the 78th Legislature, Regular Session, 2003, to the Department of Public Safety.

To Appropriations.

HB 115 (By Gutierrez), Relating to the fee for the motor vehicle financial responsibility verification program; making an appropriation.

To Transportation.

HCR 10 (By Craddick), Recognizing Marvin L. Wynn of Midland on his retirement from the Midland Chamber of Commerce.

To Rules and Resolutions.

HCR 11 (By Harper-Brown), Honoring the Rat Pack of Irving for their civic contributions.

To Rules and Resolutions.

HCR 12 (By Corte), Urging the secretary of the United States Department of Homeland Security to designate a university-based center for homeland security in the state of Texas.

To Defense Affairs and State-Federal Relations.

HR 48 (By Hegar), Honoring Sylvan and Betty Miori on their 50th wedding anniversary.

To Rules and Resolutions.

HR 50 (By King), Commending Melissa Petry for her outstanding contributions to her community.

To Rules and Resolutions.

HR 54 (By Craddick), Honoring Lou and Don Matson of Midland on their 50th wedding anniversary.

To Rules and Resolutions.

HR 55 (By Deshotel), Congratulating John Navarro of McAllen on placing eighth at the SkillsUSA-VICA national competition.

To Rules and Resolutions.

HR 56 (By Deshotel), Congratulating Jackie Navarro and Isaac Garcia on their upcoming marriage.

To Rules and Resolutions.

HR 57 (By Rose), Honoring Cathi Johnson on being named the 2003 Luling Watermelon Thump Queen.

To Rules and Resolutions.

HR 59 (By Paxton), Congratulating Bright Elementary School in Frisco ISD on its recognition by the Awards for Excellence in Texas School Health program.

To Rules and Resolutions.

HR 63 (By Escobar), Recognizing the contributions of The Kingsmen Social Club in Kingsville.

To Rules and Resolutions.

HR 64 (By Escobar), Honoring the El Dorado Club of Kingsville.

To Rules and Resolutions.

HR 65 (By Bonnen), Recognizing the individuals and organizations in Brazoria County that received awards from the Keep Texas Beautiful organization.

To Rules and Resolutions.

HR 66 (By Griggs), Honoring Jackson Griggs on his graduation from The University of Texas Health Science Center at Houston Medical School and his receipt of the Dr. Henry W. Withers Memorial Award in Family Practice.

To Rules and Resolutions.

HR 67 (By Griggs), Congratulating Bart Howe of Colleyville Heritage High School on his athletic achievements.

To Rules and Resolutions.

HR 70 (By Eissler), Honoring Vincent Sinisi of the Rice Owls baseball team.

To Rules and Resolutions.

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Tuesday, July 15, 2003

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 7 Geren SPONSOR: Whitmire
Granting the legislature the permission to adjourn for more than three days during the period beginning on Thursday, July 10, 2003, and ending on Tuesday, July 15, 2003.

HCR 8 Branch SPONSOR: Carona
Congratulating Carly Bender on being crowned Preteen Miss Majorette of Texas and recognizing July 21-27, 2003, as National Baton Twirling Week.

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

July 11

Appropriations - **HB 74, HB 84**

Government Reform - **HB 72**

ENGROSSED

July 11 - HB 5, HB 9, HB 11, HB 12, HB 16, HB 51, HB 53, HB 56, HB 57, HB 58, HB 59, HB 60, HB 61, HB 62, HB 63, HB 64, HB 82